

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

PETER MOREY, D.V.M.,

Plaintiff,

vs.

**HEALTHY PET CORPORATION OF
MASSACHUSETTS AND HEALTHY
PET CORPORATION,**

Defendants.

Civil Action No. 04-CV-10924-NMG

JOINT STATEMENT
PURSUANT TO LOCAL RULE 16.1

Pursuant to Local Rule 16.1, the parties in the above action submit this Joint Statement in advance of the scheduling conference set for December 10, 2004 at 3:30 p.m.

I. Statement Pursuant to Local Rule 16.1(B)

Counsel for the parties herein state that they have conferred pursuant to Rule 16.1(b) for the purpose of (1) preparing an agenda of matters to be discussed at the scheduling conference; (2) preparing a proposed pretrial schedule; and (3) considering whether they will consent to trial by magistrate judge.

II. Statement Pursuant to Local Rule 16.1(C)

Plaintiff sent Defendant a proposal, and the parties through counsel have been engaged in settlement discussions, but have been unable to resolve this dispute.

III. Joint Statement Pursuant to Local Rule 16.1(D)

A. Joint Discovery Plan

1. Initial Disclosures

The parties completed their initial disclosures on or before October 1, 2004.

2. Close of Discovery

The parties propose that all discovery be completed on or before July 1, 2005.

3. Expert Witnesses

The parties propose that expert witnesses, if any, be identified on or before July 15, 2005, and that rebuttal experts, if any, be identified on or before August 1, 2005. The parties further propose that expert depositions be completed on or before August 31, 2005.

B. Proposed Motion Schedule

The parties propose that motions for summary judgment and other dispositive motions be filed on or before November 1, 2005.

C. Proposed Pre-Trial Conference Date

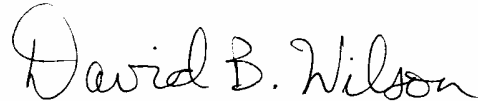
The parties propose that the Court conduct a pre-trial conference in this matter on November 30, 2005, or as soon thereafter as the Court's calendar permits.

Respectfully submitted,

PETER MOREY, D.V.M.

By his attorney,

HEALTHY PET CORP. OF
MASSACHUSETTS AND
HEALTHY PET CORP.,
By their attorneys,



/S/

Frank C. Muggia (BBO#555199)
FRANK C. MUGGIA & ASSOCIATES
6438 W. Quaker Street
Orchard Park, New York 14127
Tel 716-667-9700

Of Counsel:

Kevin M. Hensley (BBO#554824)
WARREN HENSLEY & BROWN
31 Milk Street
Boston, MA 02109
Tel 617-542-4130

Catherine E. Reuben (BBO#552379)
David B. Wilson (BBO#548359)
ROBINSON & COLE LLP
One Boston Place
Boston, MA 02108
Tel 617-557-5900

Dated: December 8, 2004

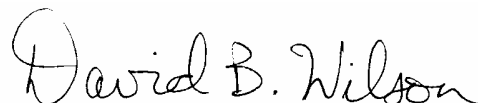
Dated: December 8, 2004

CERTIFICATE OF SERVICE

I hereby certify that on December 8, 2004, I caused to be served a true and correct copy of the foregoing electronically to:

Frank C. Muggia, Esq.
Frank C. Muggia & Assoc.
6438 W. Quaker Street
Orchard Park, New York 14127

and by fax/mail to: Kevin M. Hensley, Esq.
Warren Hensley & Brown
31 Milk Street
Boston, MA 02109



David B. Wilson